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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,407	07/15/2003	Michael C. Sorrells	16-356	7650

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,407

Applicant(s)

SORRELLS ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-17, and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 549,924 to Leistner et al.

Leistner et al. disclose an apparatus for moving a latching pin a lateral distance having a rotatable grip handle means (9), a latching pin (8) connected to the rotatable handle means where a central axis of latching pin is substantially perpendicular to the rotatable handle (figures 1 and 3), and a latching pin guide means (3) that engages and guides the latching pin along the central axis in response to rotation of the handle, as in claims 1, 12, and 15.

Leistner et al. also disclose the latching pin having a cam pin (proximal end closest to the latch pin of element 9) that engages the latching pin guide, as in claims 2, 13, and 16, where the cam pin is fixed to the latching pin perpendicular to the central axis of the latching pin and wherein the latching pin guide comprises a cam (6) disposed circumferentially about the latching pin and wherein the cam comprises a circumferential cam slot (7) that defines an arc (figures 2 and 4) having a lateral component equal to the lateral distance and a circumferential component

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equal to a predetermined amount of rotation of the rotatable handle, and wherein the cam pin protrudes through the cam slot and rides in the cam slot to guide the latching pin along the lateral distance in response to rotation of the handle (page 2, lines 38-74), as in claims 3, 14, and 17.

Leistner et al. further disclose a keeper channel (19) into which a distal end of the latching pin extends, as in claim 5, wherein the cam pin protrudes through the handle and the latching pin to fix the handle and latching pin together (figure 3), as in claim 6, as well as the arc defined by the cam slot has a detent portion (figure 2) at an end corresponding of the latch position to the latching pin, as in claims 7 and 19.

Leistner et al. additionally disclose the handle and latching pin are connected to a detachable panel (1), as in claim 8, wherein the handle is capable of being a carrying means for the detachable panel when it is detached, as in claim 9, and a grip (figure 3) extension of the handle extends along an axis generally perpendicular to the central axis of the latching pin, as in claims 10 and 20, and the handle is rigidly connected (figure 3) to the latching pin, as in claims 11 and 21.

Leistner et al. also disclose a mounting tab (16) connected to a stationary member (2) separate from the apparatus wherein the mounting tab includes a mounting hole (14) configured to loosely engage the latching pin when the latching pin is in the latch position (figure 4), as in claims 22-24.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leistner et al., as applied above to claims 1-3, 5-17, and 19-24, in view of U.S. Patent Number 6,363,670 to Dewitt.

Leistner et al. disclose the invention substantially as claimed. However, Leistner et al. do not disclose a biasing spring that urges the latching pin toward the latch position. Dewitt teaches of window covering device having a spring, positioned between a latch housing and an engagement portion of a latch bolt, to bias the latch bolt into an actuated position (column 5, lines 7-13) in the same field of endeavor for the purpose of urging the free end of the bolt into an associated hole to secure the window covering to a window frame. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a spring within the latch pin guide of Leistner et al. in order to urge the latch pin into an associated hole of the mounting tab.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to latch assemblies with a camming means to retract the latch bolt:

U.S. Patent Number 267,539 to Johnson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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CJB *CB*
April 29, 2005